

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KIMBERLY PORSCHE,

Plaintiff,

v.

HOMECENTRIS HOME HEALTH, LLC,

Defendant.

Case No. 19-3659

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and for the sole purpose of removing this matter to the United States District Court for the District of Maryland, Defendant HomeCentris Home Health, LLC (“Defendant”), states as follows:

STATE COURT ACTION

1. On or around November 22, 2019, Plaintiff Kimberly Porsch (“Plaintiff”) filed this action against Defendant in the District Court of Maryland, Baltimore City, Case No. 010100267712019.
2. On December 2, 2019 Defendant was served a copy of the Complaint and accompanying documents. Pursuant to 28 U.S.C. § 1446(a), copies of the Summons and Complaint served upon Defendant in the state court action are attached to this Notice of Removal.
3. Pursuant to 28 U.S.C. § 1446(a), the state court action, which was commenced in the District Court of Maryland, Baltimore City, may be removed to the United States District Court for the District of Maryland because this Court is the federal district court which includes the State of Maryland within its jurisdiction.

FEDERAL QUESTION JURISDICTION

4. This Court has original jurisdiction over the matter because Plaintiff's Complaint asserts claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§201, *et seq.* Specifically, Count III of the state court Complaint explicitly asserts claims that arise under the FLSA and, therefore, Plaintiff's claims arise under the "Constitution, laws, or treaties of the United States" as required under 28 U.S.C. § 1331. This Court also has supplemental jurisdiction over Plaintiff's remaining claims pursuant to 28 U.S.C. §§ 1367(a) and 1441(c).

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

5. Removal of this action is timely as Defendant filed this Notice of Removal within thirty (30) days of the date on which Defendant accepted service. *See* 28 U.S.C. § 1446.

6. Baltimore City is situated in the State of Maryland and, pursuant to 28 U.S.C. § 1441(a), this Court is the appropriate forum to entertain this Notice of Removal.

7. A copy of this Notice of Removal is being filed with the Clerk of the District Court of Maryland, Baltimore City, and a copy is being served on Plaintiff as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is filed herewith.

8. A copy of the Notice to Plaintiff of Filing of Notice of Removal is being served on Plaintiff in accordance with 28 U.S.C. § 1446(a).

9. The required filing fee and an executed civil cover sheet accompany this Notice.

RELIEF REQUESTED

10. For the foregoing reasons, Defendant requests that the United States District Court for the District of Maryland assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

December 30, 2019

/s/ William F. Allen

William F. Allen, Bar No. 16816
LITTLER MENDELSON, P.C.
815 Connecticut Avenue, NW
Suite 400
Washington, DC 20006-4046
202.842.3400 Telephone
202.842.0011 Facsimile
BAllen@littler.com

*Counsel for Defendant
HomeCentris Home Health, LLC*

CERTIFICATE OF SERVICE

I hereby certify that, on December 30, 2019, a copy of the foregoing Notice of Removal of Action and attachments was served by first class mail, postage prepaid, and email upon the following:

Phillip Chalker, Esq.
The Law office of Phillip E. Chalker
217 N. Charles St
Floor 2
Baltimore, MD 21201
phillip@attorneychalker.com

Counsel for Plaintiff

I further certify that, pursuant to 28 U.S.C. § 1446(d), on December 30, 2019, a copy of the foregoing Notice of Removal was served via hand delivery upon the following:

Mary J. Abrams, Clerk
Baltimore City District Court
501 E. Fayette St
Baltimore, MD 21202

/s/ William F. Allen
William F. Allen